

Remarks/Arguments:

In the outstanding Office Action, claims 1, 24, 46-52, and 54-56 were rejected for obviousness on the basis of the Mueller patent (U.S. Patent No. 5,128,862) alone. Claims 2-23, 25-45, and 53 were rejected for obviousness on the basis of Mueller in combination with Kurland (U.S. Patent No. 4,553,222). For the reasons expressed below, Applicant respectfully submits that the amended claims are nonobvious with respect to the cited references.

I. The cited references fail to disclose, teach, or suggest the distribution of advertisement selection programs from a central server to establishment servers for controlling and coordinating the selection of which advertisements are displayed at the patron stations.

Claims 1, 24, 46, 55, 69, and 71 (as well as all claims depending therefrom) each recite limitations relating to the distribution of advertisement selection programs from a central server to establishment servers for controlling and coordinating the selection of which advertisements are displayed at the patron stations. Both the Mueller and Kurland reference, when considered alone or in combination, fail to disclose, teach, or suggest such a limitation.

With the Mueller system, there is no teaching to interface a restaurant's internal processing capabilities with an external "central server". While the Office Action at page 5 cites the microprocessor 13 of Mueller Figure 1 as a "central server", Applicant respectfully submits that this characterization is incorrect. At best, at least in an architectural sense (but not a functional sense), the microprocessor 13 would correspond to the "establishment server" of the claims. There is simply no teaching in Mueller to integrate the self-contained establishment-wide system of Figure 1 with an external "central server". Having failed to teach or suggest the use of a central server, the Mueller patent by implication fails to teach or suggest the use of a central server to distribute advertisement selection programs to establishment servers over a network to control and coordinate the selection of advertisements for display on the patron stations. In fact, the Mueller patent only tangentially addresses advertising through a short discussion at column 9, lines 34-37. Applicant respectfully submits that Mueller's teaching that "the customer ordering sequence could include short video displays, or non-activated customer terminals 11 could display advertisements" (see Mueller, column 9, lines 34-37) cannot be reasonably interpreted to teach Applicant's sophisticated technique of

controlling advertisement display through centralized distribution of advertisement selection programs.

The Kurland patent fails to fill in the gaps left by the Mueller patent with respect to the use of a central server to distribute advertisement selection programs. Like Mueller, the Kurland patent fails to teach or suggest the integration of an establishment-wide system with an external central server. Like, the microprocessor 13 of Mueller, the central computer (data base) 22 of Kurland, at best, at least in an architectural sense (but not a functional sense), would correspond to the "establishment server" of the claims. Further, a review of the Kurland patent reveals no teachings with respect to the delivery of advertising. Therefore, it is respectfully submitted that Kurland, when considered alone, or in combination with Mueller, cannot be reasonably interpreted to disclose, teach, or suggest the use of a central server to distribute advertisement selection programs to establishment servers as claimed by Applicant.

With respect to the Office Action's previous rejection of claim 6, wherein it was stated "it is common practice for networked servers to communicate instructions necessary for operation", Applicant submits that such a statement is an insufficient basis for rejection because there is no citation to an objective teaching in the art to use a central server in a patron service system to control display of advertising by distributing advertisement selection programs to establishment servers.

Thus, Applicant respectfully requests withdrawal of the rejections for claims 1, 24, 46, 55, 69, and 71 (as well as all claims depending therefrom).

II. The cited references fail to disclose, teach, or suggest the use of an advertisement selection program in a central server/establishment server/patron station system, wherein the advertisement selection program takes into account order input, patron identity/demographic information, patron station input, or music selection input when selecting advertisements for display.

Claims 9, 11, 23, 29, 32, 38, 47, 54, 68, 70, and 73 (and all claims depending therefrom) each recite that the advertisement selection program takes at least one of the following into account when determining which advertisement is to be displayed at a patron station: (1) order input (claims 9, 29, 47, 54, 68, 70, and 73), (2) patron identity/demographic information (claims 11, 32, 47, 54, 68, 70, and 73), (3) patron station input (claims 47, 54, 68, 70, and 73), and (4) music selection input (claims 23 and 38).

The cited references fails to teach or suggest the use of such criteria during an advertisement selection process. With the Mueller patent, which is the only reference cited in the rejection disclosing the delivery of advertising, there is no teaching as to what triggers the advertising. In fact, the Mueller patent suggests that the selection of advertisements for display is not based on any of the above-noted criteria because the Mueller patent teaches the display of advertising on "non-activated customer terminals" (see Mueller, column 9, lines 34-37), which would indicate that no such criteria are used.

Further, the Kurland patent fails to teach or suggest the delivery of advertising altogether. The items that are delivered to patrons at the table stations are "various interactive entertainment activities such as interactive video games or interactive educational materials, such as involving text, diagrams and pictures displayed on video display unit 48, as well as audio" (see Kurland, column 5, lines 50-54). However, it appears that the Kurland patent teaches that such non-advertising content should be delivered to the table station based on customer selection from a menu of such items rather than a selection process based on the criteria of the claimed invention.

Therefore, Applicant respectfully submits that claims 9, 11, 23, 29, 32, 38, 47, 54, 68, 70, and 73 (and all claims depending therefrom) are patentable over the cited references.

III. The cited references fail disclose, teach, or suggest the use of both locally-initiated advertisements and nonlocally-initiated advertisements when delivering advertisements to patron stations for display thereon.

Claim 65 and all claims depending therefrom recite that the advertisements displayed by the patron station include both advertisements initiated locally at the establishment and advertisements that are not initiated locally from the establishment. This feature of the invention allows establishment owners to increase the potential advertising revenue by including advertising strategies that encompass advertisers who may not have a sufficiently broad reach to penetrate the advertising initiated from the central server. (See Application, page 34, lines 7-33).

The cited references are silent with respect to the delivery of such types of advertisements in a central server/establishment server/patron station system. Accordingly, Applicant respectfully submits that claim 65 and its dependent claims are patentable over the cited references. In particular, the cited references fail to disclose teach or suggest claim 66

which recites that the establishment server "includes a local interface through which an authorized user can load locally initiated advertisements" into the advertising database.

IV. The cited references fail to disclose, teach, or suggest the functionality of allowing a patron to effectuate a purchase of a product associated with an advertisement via patron selection of the advertisement associated with that product.

Claims 59-62 recite a feature of the invention wherein through a patron's advertisement selection input of a displayed advertisement, the establishment server can effectuate the purchase of the product associated with the selected advertisement. This feature of the invention is described on page 31, lines 7-13. A review of the Mueller and Kurland patents reveals no teaching to implement such functionality in a central server/establishment server/patron station system. Therefore, Applicant respectfully submits that claims 59-62 are patentable over the cited references.

V. The cited references fail to disclose, teach, or suggest the integration of the central server/establishment server/patron station system with a music playing device having a plurality of selectable music items.

Claims 21-23, and 36-38 recited various features of the invention wherein the central server/establishment server/patron station system is integrated with a music playing device having a plurality of selectable music items (such as jukebox). Applicant respectfully submits that the cited references fail to disclose, teach, or suggest such an integration. First, the Mueller patent is utterly silent as to such a feature. Second, the Kurland patent, while noting that "audio" can be delivered to table stations (see Kurland, col., 5, line 54), fails to teach or suggest integration of the "central computer (data base) 22" with a music playing device. The items to which the central computer 22 is integrated are (1) kitchen video display monitors/order coordinators 24 and 26, (2) a cash register display/monitor input device 38, (3) an input/output device mainframe control 36, (4) a bar video display/monitor/order coordinator 28, (5) a printer 34, (6) a disk memory 32, and (7) several table stations 12-20. Applicant submits that a disclosure relating to the capability to provide sound at a table station is markedly different from a teaching to integrate a restaurant's system with a jukebox or the like.

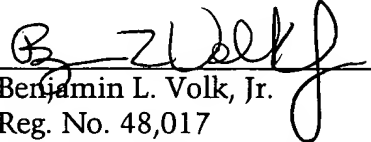
Accordingly, Applicant respectfully submits that claims 21-23 and 36-38 are patentable over the cited references.

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VI. Conclusion.

For the foregoing reasons, Applicant respectfully submits that the amended claims are allowable. Favorable action is respectfully requested

Respectfully submitted,



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